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RUEABND/DEA HQS WASHDC

RUEAHLA/DEPT OF HOMELAND SECURITY

RUEAWJA/DEPT OF JUSTICE WASHDC

RUCNFB/FBI WASHDC

RUEKJCS/JOINT STAFF WASHDC

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RUCPDO/DEPT OF COMMERCE WASHDC

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C O N F I D E N T I A L SECTION 01 OF 03 MEXICO 003438

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SUBJECT: EMBRACING THE WINNER AND RETHINKING BILATERAL MECHANISMS

REF: MEXICO 3324 AND PREVIOUS

Classified By: AMBASSADOR ANTONIO O. GARZA, JR., REASONS; 1.4(B/D)

11. (C) Summary: This is the last in a series of six cables on transition issues in Mexico. Washington should embrace the winner of the July 2 presidential election early and often (this is all the more important if the winner turns out to be Andres Manuel Lopez Obrador).

We hope that senior USG officials will be available to begin to engage with the incoming administration starting shortly after the election and continuing through the inauguration in December, which we hope the First Lady will attend. We also believe an invitation to the president-elect to visit Crawford would be extremely useful.

12. (C) As we approach the transition to a new administration, this is a useful time to ask if our existing bilateral fora are properly structured to help us achieve our interests in Mexico. Some mechanisms have clearly outlived their usefulness, others need tweaking, and at least one new one may be in order. Here we look at the Binational Commission, Senior Law Enforcement Plenary, Bilateral Interdiction Working Group, Inter-Parliamentary Group, various border state activities, Joint Staff talks, political-military talks, and Border Liaison Mechanisms. End summary.

Reaching Out

13. (C) We should be the first government to extend a hand to the new Mexican administration. As we have detailed in previous reporting, one of our concerns here is preserving the levels of cooperation we have achieved with the Fox administration. Mexico has a scant tradition of democratic transition and, despite promising civil service reforms, there is very little "bench" here to help new officials find their way.

Given our extensive agenda with Mexico, we need to engage quickly.

Moreover, press, public, investors, and other governments in the region will be watching closely for signals of the USG attitude towards the winners. We want the message to be one of confidence in Mexican and North American institutions. With that in mind, we recommend an invitation for the president-elect to visit Crawford sometime between July and December. The earlier the better, as this would set the stage for further consultations between officials of the two governments. We also suggest the following schedule of visits (obviously we have not yet discussed this with the Mexicans):

July - Secretaries of Treasury and Commerce (jointly);

August - SECDEF;

September - U/S for Political Affairs and A/S for WHA; separately, CJCS and USNORTHCOM for the annual independence celebration (Grito);
October - Border tour for new GOM officials, accompanied by Secretary Chertoff if possible;
November - Law enforcement summit (see reftel); and
December - Inaugural delegation which we recommend be led by the First Lady.

Rethinking Bilateral Institutions: Binational Commission

14. (C) If senior U.S. leadership comes away from an event such as this asking, as it has for the last few years, "how can we make this more substantive?" that may be a clue. The BNC is an archaic concept that does not reflect the modern U.S.-Mexico relationship. That relationship is dynamic, broad, intense, and often filled with creative tension as we search together for new ways to grapple with difficult problems such as border violence. The BNC, by contrast, is staid, formal, timid, and often characterized by the ennui of bureaucrats trying to pad an agenda

15. (C) Launched in 1981 at a time when Mexico's principal objective was probably to create the appearance of constructive engagement without actually having too much, the BNC is a poor use of senior officials' time (not to mention the staff work that goes into it). Instead of meaningful discussion of timely topics, it has become a heavily scripted ritual in which self-congratulation has replaced problem solving. There is even less return on the public diplomacy investment. The annual hunt for BNC deliverables is yielding increasingly trivial and sometimes downright silly finds. Instead of symbolizing the strong and growing ties between the U.S. and Mexico, it generates a spate of stories every year about our failure to achieve "breakthroughs." Good drafting cannot hide the fact that BNC fact sheets and press releases tend to be

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of the "both governments reconfirm their commitment to..." variety.

16. (C) The only argument for not giving the BNC a decent burial is that doing so will generate stories alleging problems in the bilateral relationship. This can be minimized by preparing the press in advance and relying on the facts. There has been a rapid advance in communications technology since 1981. The BNC predates both NAFTA and the SPP. U.S. and Mexican senior officials talk and meet regularly in meetings driven by the bilateral agenda, not by the calendar. When the BNC was launched a quarter-century ago, it represented the one time every year working group counterparts met face-to-face to work out our broad agenda of mutual concerns. Today it is just one more meeting in year's worth of contacts, visits and conversations that now include not just federal authorities but state and local as well. In effect, the U.S. and Mexico have grown too close for a "same time next year" relationship.

17. (C) There may be some in the GOM who will want to cling to the BNC (just as there are some whose ideas of bilateral relations have an odor of the 19th Century). That is no reason to keep doing it. By timing a decision to retire the BNC with the coming of a new Mexican administration and stressing that the BNC is inappropriate to the new, more mature, relationship reflected by the SPP, we could keep the focus on the positive. We do not, after all, have a BNC with Canada (or with any other of our closest allies). In any case, the BNC will be quickly and deservedly forgotten.

18. (C) Some, arguing you cannot replace something with nothing, have suggested that an SPP-based trilateral mechanism is the appropriate replacement for the BNC. This might be popular with some in the GOM, but we do not recommend it. It would simply trilateralize the disadvantages of the BNC without bringing any apparent benefit. SPP meetings can and should happen, maybe more than once a year, but they should be driven by events and necessity, not by an arbitrary annual schedule. By offering a calendar of proposed meetings to the incoming Mexico Government covering the first year of the administration we may be able to demonstrate engagement without committing to a six-year series of annual repeats.

Senior Law Enforcement Plenary and Bilateral Interdiction Working Group

¶9. (C) The SLEP, a child to the BNC, suffers many of the same debilities as the parent (just as the BIWG reflects the weaknesses of the SLEP). U.S. and Mexico law enforcement cooperation has accelerated considerably in the last few years. It needs to accelerate even more. Our law enforcement contacts are intense and daily at the working level both here in Mexico City and at the border. When more senior officials need to weigh in, they pick up the phone or get on a plane. Conversations or meetings between our Attorneys General or our Secretaries of Homeland Security and Government, not to mention other

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senior law enforcement officials, are frequent. We cannot see the value in getting together every six months to exchange PowerPoint presentations.

¶10. (C) Because they have a lower profile than the BNC, the SLEP and BIWG do not create and disappoint public expectations, but they do eat up considerable amounts of energy on both sides. We also fear that the sometimes serve the worst instincts of some in the GOM by channeling our law enforcement concerns into a low energy "talk-fest" where GOM agencies such as SRE that are less disposed to innovative law enforcement solutions have a chance to apply the brakes. When we want to get a problem solved, we typically turn to ad hoc meetings focused on a given issue, just as we do with most other countries. Helping the GOM manage law enforcement cooperation centrally, which is what the SLEP and BIWG do, is not necessarily in our interests, especially as we look for ways to expand cooperation with the states. We may wish to consider holding the BIWG meetings semi-annually, rather than quarterly, to address drug interdiction issues of interest to both countries.

Inter-Parliamentary Group, Border State Activities

¶11. (C) The IPG belongs to the legislatures, not to the Executive Branches. We mention it here not because it would be appropriate for us to meddle with it, but rather because it seems to work well and merits recognition. To the extent that we are asked to provide limited support (e.g., logistics), we are happy to do so. The IPG is one of the best mechanisms available to inform Mexican legislators of U.S. views on

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a variety of topics. It also serves as something of a pressure valve here, allowing Mexican legislators to tell the press that they will surely box the ears of their U.S. counterparts about this or that (usually immigration). Of course, very little boxing of ears actually goes on. The real utility is that Mexican legislators, and through them the political parties, find out first hand that we are not exaggerating when we talk of rising U.S. concern over issues such as border violence or illegal immigration. This is also a possible target for "trilateralization" by inviting Canadian legislators to observe.

¶12. (C) The Border Governor's Conference, Border Attorneys General Conference, and Border Legislators' Conference are likewise useful fora, providing opportunities to air important concerns along the border. The Border Legislators' Conference is sponsored by USAID, but the other two get no direct support from the USG or GOM. Without interfering in the states' activities, it might be useful to look at how we could support these conferences in order to provide some continuity between annual meetings and follow-up on the useful ideas that often emerge.

Joint Staff and Political-Military Talks

¶13. (C) DOD and USNORTHCOM have done an excellent job of getting the Mexican Secretariats of National Defense (SEDENA) and Navy (SEMAR) engaged in annual Joint Staff talks. These talks have started modestly reflecting the caution of the Mexican services (especially SEDENA), and we need to continue to be patient as the Mexicans' trust and willingness to engage on issues of greater substance builds.

¶14. (C) As a complement to this effort, we also need to consider inviting Mexico to engage in pol-mil talks. Like many Latin American countries, Mexico lacks a strong civilian component to its national security apparatus. This leaves us with no one else to talk to when the

Mexican military does not want to engage on an issue and no way to judge the real state of play when the military and civilians play "good cop/bad cop" with us. Mexico recently agreed to pol-mil talks with Canada (tentatively scheduled for September 2006), and we hope that will be a positive experience. Annual pol-mil talks would not be an unrealistic goal. Although that is directly counter to our recommendation regarding fora such as the BNC, SLEP, and BIWG, military-to-military relations are really just beginning to flower. The Mexican military, especially SEDENA, loves structure and predictability so a formulaic approach might be the right medicine in this case.

Again, an eventual invitation to Canadian "observers" might help integrate this into an SPP-framework.

Border Liaison Mechanisms

¶15. (C) If we did not have BLMs we would have to invent them, yet they remain after more than ten years a less than fully satisfactory approach to cross-border problem solving. Perhaps BLMs are a victim of their success. The fact that there are so many issues and so many participants causes some to feel that they are not getting sufficient return for the considerable time they have to invest in the meetings.

Also, are we properly tracking the issues raised in the BLMs, keeping the focus where it needs to be, ensuring follow-up in the capitals when that is called for, and pushing towards solutions?

¶16. (C) Part of the solution, which several border posts are already pursuing, is to break up the BLMs into issue-specific subgroups. This of course has resource implications for the consulates, which are not staffed to organize and chair half a dozen subgroups, and it inevitably means that other agencies involved in the BLMs are going to have to take leading roles on their issues. SRE periodically raises its interest in "revitalizing" the BLMs. Assuming that interest survives the transition, we would like to join with the border post principal officers and WHA and engage SRE in a serious discussion of what works and what does not, with a view towards putting more energy and accountability in the BLM process.

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